

The Honorable Mary A. McLaughlin
United States District Court
for the Eastern District of Pennsylvania
U.S. Courthouse
601 Market Street, Room #13614
Philadelphia, PA 19106-1723

May 29, 2009

Dear Judge McLaughlin:

My name is Stephen Martinello, I am a programmer at Turnkey Electronics Group Inc. I met Andrew, whom I have always called Andrei in an attempt to pronounce his name as he would be accustomed to hearing it, just as I began my studies at Columbia University. He was the odd one out the day I met him, so recently having made it to America at the end of his long exodus from the Soviet Union, wearing a sweater in August, awkward in his English. He proved to be a very important part of my education, and became rapidly a dear friend.

His English improved remarkably quickly - he very diligently saw to that, asking me all the time questions about usage and pronunciation - and soon his tiny dorm room hosted many invitees who, regardless of whether they had come for tutoring in higher math, or in reply to his postings offering things like lamps for sale, or simply as friends, found him a man of prodigious energy, playful intellect, and unassuming warmth. He helped a great many people - his first disposition always - in those days, impoverished as he was, in whatever ways he could. I remember him lending scarce money to make the purchase of a personal computer possible, and taking great care that a friend having trouble with difficult coursework should complete it successfully. He could always spare the time, busy as he was.

Andrew's attentions were drawn more and more to tackling larger and larger business problems as time went on, and by the time we left Columbia it was already clear trade was going to be his playing field, and that he would succeed marvelously. Regrettably, after having lived no further than a room or two apart throughout college, we now saw each other only a few times a year. When we did meet, Andrew would tell the most amazing and amusing stories of how all this fury of activity of his was going, tromping through Russia and Europe. I had much more mundane stories for him of writing software for satellites and telecommunications gear, clambering around equipment bays and spacecraft assembly areas. He was always happy to know I was doing well.

The violent and sudden death of a business partner, the deaths of theater-goers taken hostage in Moscow, and the horror of schoolchildren slaughtered and maimed in the troubled Caucasus rip holes in this happy tale of onward and upward remunerative enterprise; when each occurred my friend dropped everything to address the suffering caused. A counterpart to his success was his sharing.

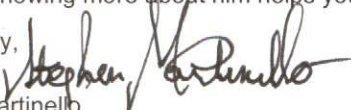
Each event was more terrific, Andrew's response proportionately scaled-up and better organized, and more public. In the vacuum of effective official response and highlighting the clumsiness of what ruinous response was made, Andrew's charities drew praise from Russian luminaries like Rostropovich and his appeal for help was heard far and wide. My wife and I took in for a short while (the ghostlike presence of terror victims is hard to bear) a deeply but quietly distraught father, now made sole parent by the Beslan massacre, and his two unimaginably traumatized and profoundly wounded daughters. The elder was missing an eye, both were missing their mother and, young as they were, they had seen murder, and flames, and heard friends screaming in the chaos. One wonders if in their quiet moments they hear and see these things still, forever helpless in the conflagration. They seemed to then.

In New York, a specialist donating his services fashioned a prosthetic replacement for the organ the explosions bringing an end to the siege destroyed. His novel technique would render possible muscular control of the facsimile and give the child hope she would not grow up disfigured. Other donors provided such things as the pleasant diversion of a trip to Disney World. At our house, we offered mere comforts like chocolate ice cream and trips to the playground. None of this effort and good-will, none of the myriad arrangements made to provide relief for the victims, erase the horror, of course; the mark is indelible. Nevertheless, Andrew would not leave those whom cataclysm befell unattended to, when conspicuously little was being done for them. He sacrificed much in doing so.

The years since then in Andrew's life have seen his business triumphs become greater than ever and a new delight - sweet fatherhood. It is now all a tranquil interlude quickly dispatched. Yet, even with the recent reversal of fortune, his tale is still a happy one. He has a strong family and enduring friends. He is possessed of an irrepressibly generous nature, the sort of possession which one cannot confer nor be given, but yet which one has. Much can be taken, much can be lost, but by what means can we bestow compassion and humanity?

Mr. Mogilyansky has his fierce defenders. I most respectfully submit this letter, Your Honor, as an aid to understanding why. I hope that knowing more about him helps you in your deliberations.

Respectfully,



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